

REMARKS

Claims 58 to 96 were pending in the application on the March 5, 2009, mailing date of the final Office Action. Claims 65 to 67, 78 to 80, and 91 to 93 have been cancelled, without prejudice or disclaimer of subject matter. Independent claims 58, 71, and 84 have been amended. Reconsideration and further examination are requested.

In the Office Action, claims 58 to 64, 68 to 77, 81 to 90, and 94 to 96 were rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 7,174,308 (“Bergman”); and claims 65 to 67, 78 to 80, and 91 to 93 were rejected under 35 U.S.C. § 103(a) over Bergman in view of U.S. Patent No. 6,338,053 (“Uehara”). As noted above, claims 65 to 67, 78 to 80, and 91 to 93 have been cancelled, without conceding the correctness of the rejection. The remaining claims have been amended to clarify several additional distinguishing features. Withdrawal of the § 102 and § 103 rejections and further examination are requested.

Referring to particular claim language, the independent claims have been amended to recite the new features that:

- the multi-modal interface is for performing inventory management tasks in a warehouse environment
- the job type mode is selected from among a stocking mode in which the user enters one or more items into a bin in the warehouse environment, a picking mode in which the user removes the one or more items from the bin in the warehouse environment, and a counting mode in which the user counts the one or more items in the bin in the warehouse environment
- the response identifies a best route from a present location of the user to the bin
- when the voice-based modality is used, the second user input includes a phonetically distinct checkword associated with the bin to indicate completion of the selected function

The applied references do not disclose these features. By contrast, Bergman describes a method and system for ordering and selling food at sports venues. *See* Bergman, col. 1, ll. 10 to 18, and Abstract. Order information is communicated wireless to an order station 30 by venue attendees using a communications device 20. The order station 30 sends the order information to a different device 36 operated by a vendor, who fulfills the order. Nothing in Bergman describes performing inventory management tasks in a warehouse environment, such as the entering, removal, or counting of items in a bin, using a multi-modal interface. In an effort to further

distinguish the claims over the applied references, the Applicants have also added additional distinctive features to the claims, such as the new “best route” and “checkword” features noted above.

The other rejected claims in the application are each dependent on these independent claims and are allowable over the applied references for at least the same reasons. Because each claim is deemed to define additional aspects of the disclosure, however, the individual consideration of each claim on its own merits is respectfully requested.

The absence of a reply to a specific rejection, objection, issue, or comment, including the Office Action's characterizations of the references, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Since the amendments made herein have been made solely in an effort to expedite advancement of this case, the Applicants reserve the right to prosecute the rejected claims in further prosecution of this or related applications.

No other matters being raised, and the entire application is fully in condition for allowance, and such action is courteously solicited.

No fees are due. Please apply any charges not otherwise paid, or apply any credits to deposit account 06-1050.

Respectfully submitted,

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